THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

DEBORAH M. LUMBARD, Plaintiff,

v.

C.A. NO. 05-CV-11124PBS

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA and STATE STREET BANK AND TRUST COMPANY,

Defendants

DEFENDANTS', THE PRUDENTIAL INSURANCE COMPANY OF AMERICA AND STATE STREET BANK AND TRUST COMPANY, RESPONSE TO PLAINTIFF'S STATEMENT OF UNDISUPTED FACTS

Defendants hereby responds to Plaintiff's Statement of Undisputed Material Facts in Support of Motion for Summary Judgment as follows:

1-91. These facts and the citations contained therein relate to evidence contained in the Defendants' Proposed Administrative Record.

Respectfully Submitted,

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA and STATE STREET BANK AND TRUST COMPANY, By Their Attorneys,

/s/ Carey Bertrand William T. Bogaert, BBO#546321 Carey L. Bertrand, BBO#650496 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP 155 Federal Street Boston, MA 02110 (617) 422-5300